

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2033 of 1999

Between:

A.Madhusudhan, S/o A.Subba Rao, Aged 32 years,
H.No.7-17/325/A, 2nd line, Mallikarjunpet, Guntur Post & District.

..... PETITIONER

AND

- 1 The Regional manger, Regional Office, State bank of Hyderabad, Nizamabad-503003, A.P.
- 2 The Managing Director, State Bank of Hyderabad, Gunfoundry, Hyderabad-500001, A.P.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction, more particularly one in the nature of writ of mandamus to call for the records relating to RO/Gr-1/92-93/520 dt.19.5.92 and F/2/38 dt.14.7.92 of the 1st respondent, about removal of the petitioner from service and set aside the same as illegal, arbitrary, violative of principles of Natural Justice, malafide, and violative of Articles 14 and 16, and 16 and 311 of the constitution of India and consequently direct the respondents to reinstate and to continue the petitioner in service with all consequential benefits.

Counsel for the Petitioner: MR.K.NAGESWARA REDDY

Counsel for the Respondents: MR.V.JOGAIAH SARMA

The Court made the following :

ORDER

This writ petition is filed seeking a Mandamus declaring the proceedings No. RO/Gr-1/92-93/520, dated 19.05.1992 and F/2/38, dated 14.07.1992 of the 1st respondent in removing the petitioner from service as illegal and arbitrary and consequently to direct the respondents to reinstate the petitioner into service with all consequential benefits.

It seems the petitioner on his first appointment posted as Clerk-cum-Cashier in State Bank of Hyderabad, Nizamabad branch. After having worked hardly for about 80 days, he applied for leave. Thereafter, he did not report in spite of several letters addressed to him by the Bank. Therefore, the show cause notice was issued asking him to explain why as per the awards governing the service of the petitioner should not be dispensed with. The petitioner did not submit any explanation for the same. Under those circumstances, the impugned order dated 19.05.1992 and 14.07.1992 were passed removing the petitioner from service of the Bank. The petitioner did not take any steps in challenging the removal order passed by the respondents, but though according to the petitioner he made several representations and there was no reply, this writ petition is filed only in the year 1999 i.e. after lapse of about six years from the date of passing of the order. It is also an admitted fact that the petitioner has not preferred any appeal except saying that he made representation before the 2nd respondent on 04.11.1998. Thus, the petitioner also has not availed the statutory appeal. But it seems the services of the petitioner were terminated without conducting a detailed enquiry into the matter.

It is submitted on behalf of the Bank that in case of unauthorized absence like this, item 17 (a) of the Memorandum of Settlement, dated 10.04.1989, is applicable since the union to which the petitioner is a member was also party to the settlement and is also binding on him. Therefore, the service of the petitioner was dispensed with as per the terms of the Memorandum of Settlement.

Be that as it may, since the petitioner has not availed any appeal, the petitioner is directed to file a fresh appeal before the appellate authority. On filing such an appeal, the respondents shall consider the same as per merits and dispose it off within a period of three months from the date of receipt of the copy of this order. The petitioner is directed to file an appeal within one month from today.

With the above observations, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

5th July, 2005

vp

// TRUE COPY//

SECTION OFFICER

To

1. The Regional Manager, Regional Office, State Bank of Hyderabad,
Nizamaabad
2. The Managing Director, State Bank of Hyderabad, Gun foundry,
Hyderabad,
3. 2 C.D. copies.